

CONFIDENTIAL - PROTECTED HEALTH INFORMATION

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA
3 ERIE DIVISION

4 UNITED STATES OF AMERICA, ex rel.)
5 DILBAGH SINGH, M.D., PAUL KIRSCH,)
6 M.D., V. RAO NADELLA, M.D., and)
7 MARTIN JACOBS, M.D.,)
8 Plaintiffs,)
9 vs.) Civil Action
10) No. 04-186E
11)
12 BRADFORD REGIONAL MEDICAL CENTER,)
13 V&S MEDICAL ASSOCIATES, LLC,)
14 PETER VACCARO, M.D., KAMRAN SALEH,)
15 M.D., and DOES I through XX,)
16 Defendants.)
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19 DEPOSITION OF CORPORATE DESIGNEE OF
20 BRADFORD REGIONAL MEDICAL CENTER

21 THURSDAY, JULY 26, 2007

22 Deposition of CORPORATE DESIGNEE OF BRADFORD
23 REGIONAL MEDICAL CENTER, called as a witness by the
Plaintiffs, taken pursuant to Notice of Deposition and
the Federal Rules of Civil Procedure, by and before
Joy A. Hartman, a Court Reporter and Notary Public in
and for the Commonwealth of Pennsylvania, at the
offices of Harty Springer, 4614 Fifth Avenue, First
Floor, Pittsburgh, Pennsylvania, commencing at 10:03
a.m. on the day and date above set forth.

JOHNSON and MIMLESS
(412) 765-0744

EXHIBIT

USA, et al., vs. Bradford, et al.
No. 04-186E

Multi-Page™

Corp. Designee BRMC
July 26, 2007

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1 the date of the communication, participants in the
 2 communication, the form of communication, whether by
 3 letter, email, memorandum, telephone, face to face, or
 4 otherwise, and a detailed description of the subject
 5 matter of the communication."

6 The response that was provided was that in
 7 addition to some objections, it says, "To the extent
 8 that BRMC subsequently determines to argue reliance on
 9 advice of counsel as part of its defense of good
 10 faith, BRMC shall supplement this response."

11 At this point in time, is the hospital
 12 asserting a defense of good faith which would
 13 incorporate an advice of counsel defense?

14 A. No.

15 MR. MULHOLLAND: We are asserting a good
 16 faith defense, but not based on advice of
 17 counsel.

18 MR. STONE: Mr. Leonhardt, it has been a
 19 long day for you, I'm sure. It has been a long
 20 day for all of us. I appreciate your coming
 21 in.

22 Does anybody else have any other
 23 questions?

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1 MR. RYCHCIK: No.

2 MR. MULHOLLAND: No questions. We will
 3 reserve the right on behalf of the corporation
 4 to have the deponents read and sign.

5 (Whereupon, the deposition was concluded
 6 at 5:24 p.m., and signature was not waived.)

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C E R T I F I C A T E

1 COMMONWEALTH OF PENNSYLVANIA :
 2 : SS.:
 3 COUNTY OF ALLEGHENY :

4 I, Joy A. Hartman, a Notary Public in and for
 5 the Commonwealth of Pennsylvania, do hereby certify
 6 that before me personally appeared TINA MARIE HANNARS,
 7 GLEN ALAN WASHINGTON, and GEORGE LEONHARDT, the
 8 witnesses herein, who then were by me first duly
 9 cautioned and sworn to testify the truth, the whole
 10 truth and nothing but the truth in the taking of their
 11 oral deposition in the cause aforesaid; that the
 12 testimony then given by them as above set forth was
 13 reduced to stenotypy by me, in the presence of said
 14 witness, and afterwards transcribed by computer-aided
 15 transcription under my direction.

16 I do further certify that this deposition was
 17 taken at the time and place specified in the foregoing
 18 caption, and signature was not waived.

19 I do further certify that I am not a relative
 20 of or counsel or attorney for any party hereto, nor am
 21 I otherwise interested in the event of this action.

22 IN WITNESS WHEREOF, I have hereunto set my hand
 23 and affixed my seal of office at Pittsburgh,
 Pennsylvania, on this 31st day of July, 2007.

24 The foregoing certification does not apply to
 25 any reproduction of this transcript in any respect
 26 unless under the direct control and/or direction of
 27 the certifying reporter.

28 _____
 29 Joy A. Hartman, Notary Public
 30 in and for the Commonwealth of
 31 Pennsylvania

32 My commission expires May 9, 2010.